

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LORENZO GUARINO,)	
Plaintiff)	
v.)	
)	
R.W. GRANGER AND SONS, INC.)	
Defendant/)	CIVIL ACTION NO: 04-10246
Third-Party Plaintiff)	
v.)	
)	
SCAVONE C&M CONSTRUCTION CO., INC.,)	
And FENESTRATION ARCHITECTURAL)	
PRODUCTS, INC.,)	
Third-Party Defendants)	

JOINT MOTION (RENEWED) MOTION FOR A RULE 16 CONFERENCE

The parties hereby jointly request a conference with the Court to Fed.R.Civ.P. 16 for the purposes of addressing the remaining discovery in this case before the trial now scheduled for September 17, 2006. As grounds therefor, the parties state that this case involves claims by the Plaintiff, Lorenzo Guarino, who alleges that he was injured at a construction site at the Old Rochester High School in Marion, Massachusetts on February 5, 2002. The Plaintiff sustained a fractured ankle and has not yet returned to work since the accident, over 4 years ago. This case was initially commenced in 2004 between the Plaintiff and the general contractor for the subject project, R.W. Granger, and Sons, Inc. ("Granger"). After some discovery occurred, both the Plaintiff and Granger added claims against the concrete finishing subcontractor for the Project, Scavone C&M Construction Co., Inc. ("Scavone") which filed an Answer to these claims on February 22, 2006.


Subsequently, Granger's motion to add the Plaintiff's employer, Fenestration Architectural Products ("Fenestration") was allowed by the Court on May 4, 2006, and

the Third-Party Complaint was filed on May 10, 2006. Pursuant to the Court's Order of January 6, 2006, the Plaintiff and Granger have taken the position that no additional discovery can go forward unless it is allowed the Court. Both Scavone and Fenestration were not parties represented at the January conference and have not had the opportunity to conduct any discovery in this case. The parties now seek Court approval to complete fact discovery (of the parties as well as witnesses with factual knowledge of the project and the accident) as well as expert discovery (Rule 35 exam and potential depositions of pertinent experts). In light of the earlier Court hearing before the appearance of counsel for the additional parties, all counsel request a hearing with the Court for approval of the remaining discovery before the trial of this case.

The parties' ability to resolve the case prior to trial will be assisted by additional discovery sought.

WHEREFORE, the parties jointly request that the Court schedule a Rule 16 Conference in this matter to review the need for additional discovery in this matter with the Court.

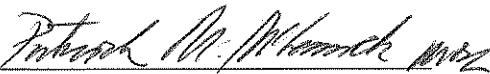
Respectfully submitted,
The Plaintiff,
Lorenzo Guarino,
By his Attorneys,


Frank C. Corso, BBO# 55542
Law Office of Frank C. Corso
15 Court Square
Boston, MA 02108
(617) 227-0011

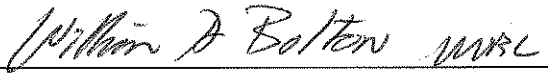
Third-Party Defendant,
Scavone C&M Construction Co., Inc.,
By its Attorneys,


Mark B. Lavoie, BBO# 553204
Christopher W. Costello BBO# 645936
McDonough, Hacking & Lavoie, LLC
One Washington Mall
Boston, MA 02108
(617) 367-0808

Defendant/Third-Party Plaintiff,
R.W. Granger and Sons, Inc.
By its Attorneys,


Patrick M. McCormack, BBO# 546194
Law Offices of Jacqueline Allen
262 Washington Street, Suite 601
Boston, MA 02108
(617) 878-4600

Third-Party Defendant,
Fenestration Architectural Products, Inc.
By its Attorneys,


William A. Bolton, Esq.
Pamela Storm Law Office
10 Post Office Square
Boston, MA 02109
(617) 556-0200

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing
pleading on all parties by electronic service, to all
counsel of record.

Signed under the pains and penalties of perjury.

DATED: 


June 15, 2006